IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

COMPANY PETITION NO.3/2007
M/s. Vindhya Constructions, Nagpur
...Versus...
M/s. Batliboi Limited, a Company incorporated under the Indian Companies Act, 1956, Mumbai 400 001

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

(Shri Mohan Sudame, Adv. for petitioner)
(S/Shri C.S. Kaptan & P.S. Khubalkar, Adv. for respdt.)

CORAM:- B.P. DHARMADHIKARI, J.
DATED :- 07.12.2007.

Heard learned Counsel for the rival parties.

The petition is under Section 439 of the Indian Companies Act, 1956 for winding up the company by name M/s Batliboi Limited.

Advocate Shri Kaptan for respondent - Company has pointed out that registered office of the Company is at Bombay (Mumbai) and, therefore, Bench of this Court at Bombay alone has got jurisdiction over the issue and present petition filed before the Nagpur Bench is liable to be dismissed.

Advocate Shri Sudame for petitioner in reply has

contended that Bench at Nagpur is also the part of High Court of Judicature at Bombay and this being the position, the petition has been rightly presented. In the alternative, he states that if this Court finds that the matter ought to have been presented before the Bombay Bench, the Company Petition should be transferred accordingly. He relies upon the judgment of the Rajasthan High Court – Jaipur Bench in the case of ***Vimal Kumar...Versus...Bhilwara Wooltax Ltd.***, reported in ***Company Cases Vol. 86 page 286***. He states that same course of action was followed there and the matter was transferred.

After hearing the learned Counsel for the rival parties, I find that in view of admitted position that registered office of Company is at Bombay, the Bench at Bombay of this Court is competent Court to take cognizance of such issue. However, I also find that no issue of limitation is involved in the matter.

The Company Petition is, therefore, directed to be transferred to the Principal Bench. Registry to take appropriate steps in this matter.

JUDGE

ssw